

REMARKS

The Applicants wish to thank the Examiner for the examination of the above-identified application. This response fully addresses the issues raised in the Office Action.

Claims 1–10 stand rejected under 35 USC § 102(a) as being anticipated by Saisaka, et al. (US 5,624,424).

Claim Rejections Under 35 USC. § 102

Regarding Claim 1, the Office Action asserts that the Saisaka reference discloses:

- an absorbent article having longitudinal and lateral centerlines;
- a containment assembly having a rear waist region, a crotch region, a front waist region, a pair of longitudinal edges, opposed body-facing and garment-facing surfaces where the containment assembly is said to comprise a topsheet (14) a backsheet (21) and an absorbent core positioned between the topsheet and the backsheet and a pair of barrier leg cuffs (17) having proximal and distal edges (reference is made to Figures 2 and 5);
- pairs of rear (22) and front (21) ear panels extending laterally outward from the proximal edges of the barrier leg cuff; and
- a reinforcement nonwoven (20) joined to an inner facing surface of the backsheet.

Regarding the dependent claims the Office Action:

- directs the Applicants to Figure 5 regarding Claim 2;
- directs the Applicants to Figures 4, 5 and 9 regarding Claims 3–5
- with respect to Claims 6 and 7 refers to col. 9, line 59– col. 10, line 14 and asserts that the Saisaka reference discloses that the reinforcement nonwoven (20) further comprises a strip of continuous material joined to the longitudinal edges of the containment assembly;
- directs the Applicants to Figure 5 with respect to Claims 8 and 9; and
- refers to col. 7, lines 23–58 and col. 10, lines 14–21 and asserts that the Saisaka reference discloses that the reinforcement nonwoven comprises a hydrophobic material.

The Applicants will address each claim rejection in turn.

Claim 1 has been amended to incorporate the matter of Claim 2. Claim 2 has been cancelled and Claim 3 has been amended to depend from Claim 1 for consistency.

The Applicants respectfully point out that section 2131 of the MPEP states:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY
ELEMENT OF THE CLAIM (emphasis in original).

The Applicants further submit that, contrary to the arguments presented in the Office Action with respect to the rejection of Claim 2, the Saisaka reference fails to teach a reinforcement nonwoven forming a portion of the garment surface of the absorbent article. Rather, as described in the Saisaka reference at col. 7, lines 20 and 21, the non-elastic sheet ply (reference numeral 19 in Figure 5) is shown to form a portion of the inside surface of the diaper disclosed therein. The Office Action argues that element 20 of Figure 5 is the reinforcement nonwoven. The Applicants respectfully point out that element 20 is identified as an elastic sheet ply (col. 9, line 63) and that the elastic sheet ply is described as a film material (col. 7, lines 17-21). As noted above, the only nonwoven material is the nonelastic sheet ply, element 19. Given that the Applicants have shown that the Saisaka reference fails to anticipate Claim 1 as amended, they respectfully request that the Examiner reconsider and withdraw the rejection of Claim 1 and allow the claim.

With respect to claims depending from Claim 1 the Applicants respectfully point out:

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| Claim 2 | The rejection thereof is moot because the claim has been cancelled. |
| Claims 3, 4 and 5 | The Applicants respectfully point out that these claims depend from Claim 1, having all the limitations of the base claim. Given that they have shown above how the Saisaka reference fails to anticipate Claim 1 as amended, the reference also fails to anticipate Claims 3–5 for the same reasons. |
| Claims 6 and 7 | The Office Action argues that col.9, line 59–col. 10, line 14 provides evidence that the supposed reinforcement nonwoven 20 comprises a continuous strip. In addition to depending from Claim 1 which has been shown to be novel over the Saisaka reference, the Saisaka reference fails to anticipate Claims 6 and 7 because it fails to teach or disclose an absorbent article comprising a garment facing nonwoven strip as described in Claims 6 and 7. As noted above, element 20 of the Saisaka reference neither comprises a nonwoven material nor forms a portion of the garment facing surface of the absorbent article. In other words, the Saisaka reference fails to anticipate Claims 6 and 7 for the same reasons it fails to anticipate Claim 1 as amended. |

Claims 8-10 The Applicants respectfully point out that these claims depend from Claim 1, having all the limitations of the base claim. Given that they have shown above how the Saisaka reference fails to anticipate Claim 1 as amended, the reference also fails to anticipate Claims 8-10 for the same reasons.

Given that the Applicants have shown that the Saisaka reference fails to anticipate any of Claims 3-10, they respectfully request reconsideration and withdrawal of the rejection thereof under 35 USC § 102 (a).

SUMMARY

In light of the above amendment and remarks, the Applicants respectfully request that the Examiner reconsider and withdraw rejections and allow the pending claims 1-10. The Applicants further submit that no new matter has been added by the amendment.

Issuance of a Notice of Allowance at an early date is respectfully requested.

Respectfully submitted,

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Date: January 14, 2003

Customer No. 27752